

REMARKS

The Examiner's attention to the present Application is greatly appreciated.

The present Application has 7 Claims, including 1 independent Claim 1 and 6 dependent Claims, Claims 2 - 7. In an Office Action dated March 1, 2005, each of the claims were rejected under 35 U.S.C. § 102 and/or 103.

Reexamination, reconsideration and allowance of the Claims is respectfully requested. Claim 1 has been amended to clarify the construction of the present invention. No new matter has been added as support for the amendments can be found throughout the Specification and within the drawings.

REJECTIONS UNDER 35 U.S.C. § 102 AND 103

In the recent Office Action, Claims 1, 2, 5, 6 and 7 were rejected as anticipated by *Hutter* (U.S. Patent No. 4,338,151). Moreover, Claim 1 was rejected as anticipated by *Hutter* (U.S. Patent No. 4,822,656). Finally, Claims 3 and 4 were rejected as obvious in view of the combination of the '151 Patent and '656 Patent. Notably, the '151 and '656 Patents are listed as prior art on page 2 of Applicant's Specification and the prior art constructions are shown in Figs. 1 - 6 of Applicant's Drawings.

The '515 Patent

The *Hutter* '151 Patent shows a variety of fixture devices for securing an attachment to a substrate. The most relevant of such fixture devices are shown as follows:

Fig. 18.

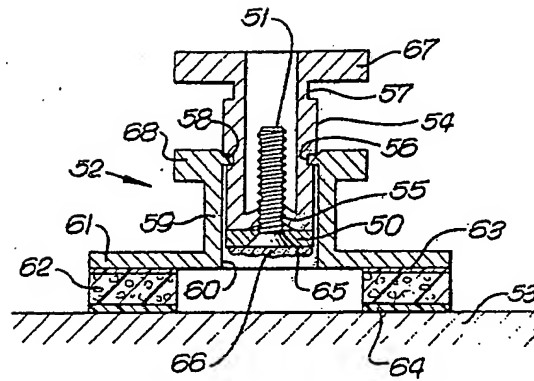


Fig. 19.

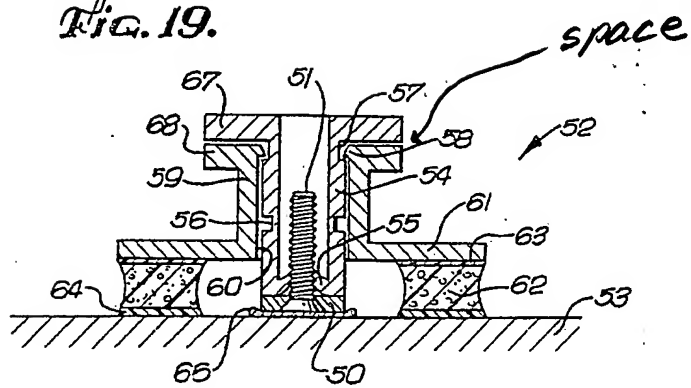
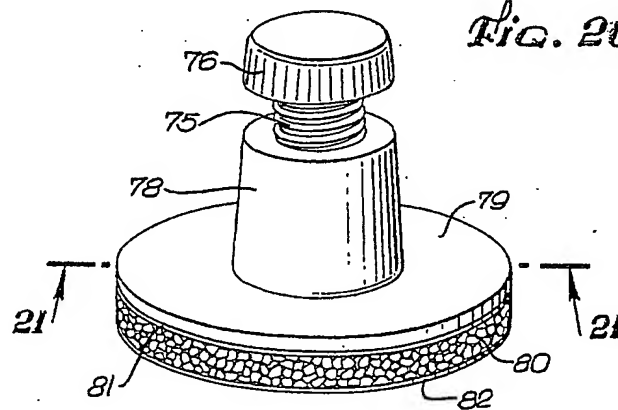
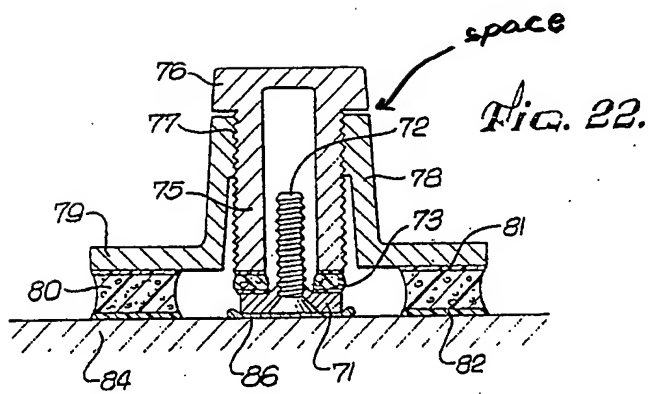
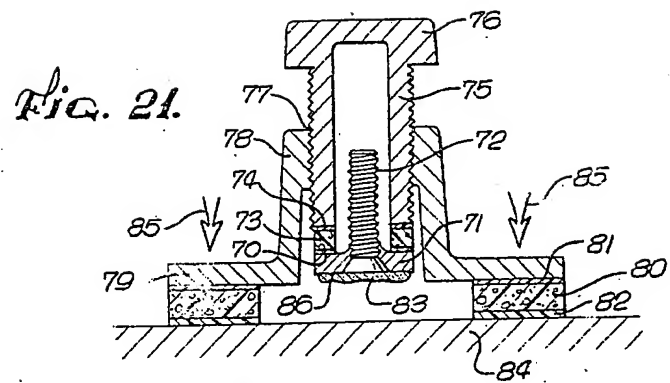


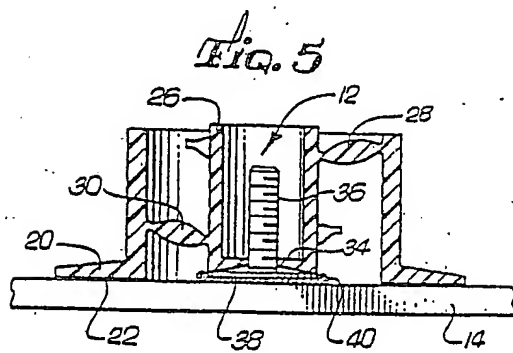
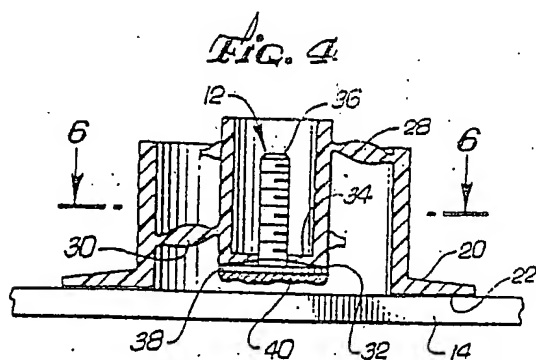
Fig. 20.





The '656 Patent

The *Hutter* '656 Patent also describes a variety of prior art fixture devices for security an attachment to a substrate. Again, the most relevant constructions are shown as follows:



The Claimed Invention

Like the prior art constructions, Applicant's invention is directed to a fixture for securing a fastener to a substrate. Also like the prior art constructions, Applicant's fixture includes an outer support member for temporarily securing to a substrate and an inner retainer for holding an attachment. In addition, the fixture includes a biasing means for biasing the attachment towards the substrate when the inner retainer is moved from a first position to a second position.

Of importance, Applicant's claimed fixture includes a stop for preventing the inner retainer from excess force or movement against the substrate. As reflected in the amended claim, the stop does not engage the inner retainer when the inner retainer is within the first position, but the inner retainer engages the stop when the inner retainer is moved to the second position. When in the second position, the outer support member and its corresponding stop exert an upward force upon the inner retainer to prevent it from moving excessively against the substrate.

Differences Between Applicant's Claimed Invention and *Hutter* Constructions

In the Office Action, the Examiner stated that Figures 17 - 22 of the '151 Patent illustrate a fixture which includes a flange 67 capable of engaging the top of flange 68 if pushed far enough. Contrary to the Examiner's contention, as shown in Figs. 19 and 22 above, the '151 Patent illustrates a fixture which includes a space between the flanges 67 and 68. Because of this space, there is no suggestion that flange 67 actually engages flange 68. To the contrary, as shown in Figs. 19 and 22 above, it appears that when the inner retainer is moved to the second position

that the attachment engages the substrate so as to prevent any further movement of the inner retainer so as to allow flange 67 to engage 68. Plainly, there is no suggestion within the '151 Patent that the fixture be constructed so that the respective flanges engage and prevent excessive movement of the attachment against the substrate as claimed by Applicant.

The Examiner further stated that the threads 77 may be considered beveled edges of the inner retainer. This statement appears to be an argument that the threads shown in Figs. 21 and 22 function as a "stop". Contrary to the Examiner's contention, the threads do not "stop" movement of the inner retainer as further rotation of the inner retainer causes the inner retainer to move excessively against a substrate. Notwithstanding, Applicant has amended Claim 1 to clarify that the stop does not engage the inner retainer when the inner retainer is in the first position. As shown in Figs. 21 and 22, the threads of the prior art outer support member do engage the inner retainer within the first position.

With respect to the rejection of Claim 1 in view of the '656 Patent, the Examiner contends that the spokes 28 and 30 may be considered a stop projecting radially outward from the inner retainer since it applies a downward force when the apparatus is in the second position. Contrary to the Examiner's argument, the spokes 28 and 30 do not function as a stop as claimed by Applicant because they do not prevent excessive force and movement by the attachment against the substrate. Nevertheless, the Amendments made to Claim 1 clarify the distinction between Applicant's invention and the constructions shown in the '656 Patent. Specifically, Applicant has amended Claim 1 to clarify that the stop does not engage the inner retainer when

the inner retainer is in the first position, a feature not suggested in the '656 Patent. Moreover, Applicant has amended Claim 1 to reflect that the stop is provided "so that said outer support member exerts and upward force upon said inner retainer". This is contrary to the Examiner's interpretation of the '656 construction wherein it is contented that the radial spokes apply a downward force when the apparatus is in a second position.

Accordingly, Claim 1 and each of its dependent claims includes several limitations not disclosed or suggested in either the '151 Patent or the '656 Patent. Accordingly, the Claims are believed to be allowable.

CONCLUSION

A Notice of Allowance is respectfully solicited. If there are any remaining issues to be resolved, it is respectfully requested that a telephone call be placed to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David G. Duckworth". The signature is fluid and cursive, with a prominent initial "D" and a stylized "G".

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Attorney for Applicant